



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 19, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0218

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties, 5.001-POL-11. Employees Will Be Truthful and Complete in All Communication	Not Sustained - Unfounded
# 2	5.001 – Standards and Duties, 5.001-POL-6. Employees May Use Discretion	Not Sustained - Lawful and Proper

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

Named Employee #1 (NE#1) issued a parking citation to the Complainant after he parked his car in a no-parking zone. The Complainant alleged NE#1 was untruthful by taking misleading photographs and used unreasonable discretion for citing him when “no parking” signs were absent.

ADMINISTRATIVE NOTE:

On October 3, 2023, the Office of Inspector General certified OPA’s investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On May 22, 2023, the Complainant filed a web-based complaint. The Complainant wrote that he was issued a citation for parking in an “international no parking sign area.” The Complainant wrote that “no parking” signs were absent around his car. The Complainant alleged NE#1 lied about his car’s location and the existence of “no parking” signs.

OPA opened an investigation. During its investigation, OPA reviewed the OPA complaint, parking citation, court records, email correspondence, and photographs. OPA also interviewed the Complainant and NE#1.

On May 20, 2023, NE#1 issued the Complainant a citation for violating Seattle Municipal Code (SMC) 11.72.330.¹ The citation described the offense as, “PROHIBITED AREA--POSTED SIGNS.” NE#1 noted, “IMPOUND. INTERNATIONAL NO PARKING SIGN POSTED. PICTURE TAKEN.” NE#1 also noted, “65FT SOUTH OF SIGN/PACED. 1 SIGN ON BLOCK.” NE#1 photographed the Complainant’s car and included them in the citation.

¹ SMC 11.72.330 states, “No person shall: A. Stop, stand or park a vehicle at any place or time where official signs prohibit stopping; B. Stand or park a vehicle at any place or time where official signs prohibit standing; or C. Park a vehicle at any place or time where official signs prohibit parking.”



Three photographs depicted the following:



Photographs taken by NE#1. OPA redacted the Complainant's license plate.

A document titled, "Municipal Court of Seattle Docket" noted that the Complainant contested his citation and entered a "NOT COMMITTED PLEA." The docket then noted, "COMMITTED FINDING ENTERED."

OPA contacted the Complainant to arrange an interview, but the Complainant elected to email OPA instead. The Complainant wrote that he did not park in a no-parking zone. The Complainant wrote that he was legally parked on a street away from any "no parking" signs. The Complainant wrote that he contested the citation in court, which dismissed the citation. The Complainant wrote that NE#1 falsely documented his car being illegally parked. The Complainant wrote that he frequently saw other cars parked in that same spot but were not ticketed. The Complainant submitted several photographs, with his notations, to OPA. Three photographs depicted the following:



Photographs, with notations, submitted by the Complainant. OPA redacted the Complainant's license plate.

OPA interviewed NE#1. NE#1 said there were no other cars parked in the area except for the Complainant's. NE#1 said that street was a well-known no-parking zone. NE#1 said there were at least 60 "no parking" signs affixed on that street. NE#1 said the City of Seattle was only required to place one "no parking" sign on each city block for it to apply to the entire block. OPA noted that the post next to the Complainant's car did not have a "no parking" sign affixed to it. NE#1 replied that someone could have removed that sign. NE#1 also said, "So, it is, I would say it is common for me to see a post with no sign and then just one sign alone on the block. That's why, a lot of times, I've talked to people, too, when they're parking just to make sure to always walk that block they're on."

NE#1 said she saw the Complainant's car parked in a no-parking zone, which covered the entire block. NE#1 said that block had one "no parking" sign 65 feet north of where the Complainant parked his car. NE#1 said the Complainant's car was parked in front of a house where community members were nearby. NE#1 said she wanted the owner to



move the car, rather than cite it, so she asked if they knew the owner, but they did not know. NE#1 said she could not find the owner, so she issued a citation. NE#1 said she could have towed it but decided not to. NE#1's union representative, present during the interview, told OPA that the Seattle Municipal Court upheld the Complainant's citation and provided documentation.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.001 – Standards and Duties, 5.001-POL-11. Employees Will Be Truthful and Complete in All Communication

The Complainant alleged NE#1 was untruthful.

SPD Policy 5.001-POL-11 requires Department employees to be truthful and complete in all communications.

Here, the Complainant believed his car was legally parked because “no parking” signs were absent around his car. The Complainant alleged NE#1 lied about his car's location when she photographed a different area that had a “no parking” sign. NE#1 acknowledged, based on her photographs and the Complainant's photographs, that there were no “no parking” signs where the Complainant parked. However, NE#1 noted in the citation, “65FT SOUTH OF SIGN/PACED. 1 SIGN ON BLOCK.” This meant the Complainant parked approximately 65 feet south of the “no parking” sign that NE#1 photographed. While NE#1 photographed a different spot from where the Complainant parked, NE#1 said that a “no parking” sign on a block applied to the entire block, which is why NE#1 said she told people to “make sure to always walk that block they're on” to see if there were any “no parking” signs. Contrary to the Complainant's claim, the Seattle Municipal Court upheld the Complainant's citation, further validating his infraction. There is no evidence that NE#1 was untruthful when she cited the Complainant.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #1 – Allegation #2

5.001 – Standards and Duties, 5.001-POL-6. Employees May Use Discretion

The Complainant alleged NE#1 used unreasonable discretion.

Policy states, “Employees are authorized and expected to use discretion in a reasonable manner consistent with the mission of the department and duties of their office and assignment.” SPD Policy 5.001-POL-6. Policy further states, “Discretion is proportional to the severity of the crime or public safety issue being addressed.” *Id.*

Here, the Complainant believed NE#1 improperly cited him when he parked in a spot where “no parking” signs were absent. The Complainant submitted pictures to OPA that did not depict any “no parking” signs where he parked. However, NE#1 said there was a “no parking” sign 65 feet north of where the Complainant parked and that a “no parking” sign on a block applied to the entire block. Furthermore, NE#1's photographs and the photographs submitted by the Complainant depicted no other cars parked on the street where the Complainant parked. NE#1 lawfully cited the Complainant for a parking infraction.



NE#1 also used reasonable discretion in two other ways. First, NE#1 did not want to cite the Complainant. NE#1 said she asked nearby community members if they knew who owned the car because she wanted the owner to move the car instead of citing him. NE#1 said she issued a citation because she could not locate the owner. Second, NE#1 also had the discretion to tow the Complainant's car, but she decided not to for the Complainant's benefit. Under these circumstances, NE#1 exercised reasonable discretion consistent with her duties.

Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained - Lawful and Proper**